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**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF OKLAHOMA**

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(1) PETER BAILEY, and  
(2) TAMARA BAILEY

Plaintiffs,

v.

(1) FRANKLIN CORPORATION,

Defendant.

Case No.: CIV-21-969-PRW

(Removed from Canadian  
County, CJ-2020-591)

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**NOTICE OF REMOVAL**

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Defendant, Franklin Corporation, pursuant to Title 28 U.S.C. §§ 1332, 1441(a) and 1446, and LCvR 81.2, files this Notice of Removal of the civil action filed against it in the District Court of Canadian County, State of Oklahoma, to the United States District Court for the Western District of Oklahoma. In support of removal, Defendant states as follows:

1. Plaintiffs, Peter Bailey and Tamara Bailey, filed their original Petition in Canadian County District Court on December 3, 2020 and then filed their Amended Petition on December 16, 2020 (See copy of the Canadian County District Court Docket, attached as Exhibit “1”). Defendant was served with the Amended Petition on September 7, 2021.

2. Plaintiffs, Peter Bailey and Tamara Bailey, have pled damages in excess of the amount required for diversity jurisdiction, pursuant to Title 28 U.S.C. § 1332 (See Plaintiffs’ Amended Petition, attached as Exhibit “3”).

3. Plaintiffs are residents and citizens of the State of Oklahoma (See Exhibit “3”).

4. Defendant is a business incorporated in the State of Mississippi with its principal place of business in the State of Mississippi.

5. Because this is a civil action between citizens of different states and the amount in controversy exceeds seventy-five thousand dollars (\$75,000), this Court has original subject matter jurisdiction over the civil action pursuant to Title 28 U.S.C. §1332(a)(1). Removal of the action to this Court by Defendant is made pursuant to the provisions of Title 28 U.S.C. §§1441 and 1446.

6. In accordance with the provisions of Title 28 U.S.C. §1391(b)(2), venue is proper in the United States District Court for the Western District of Oklahoma because the alleged accident occurred in Canadian County, State of Oklahoma, which is in the Western District of Oklahoma.

7. By virtue of this Notice of Removal, Defendant does not waive its right to assert any jurisdictional claims or pursue other motions or defenses, including those available under Rule 12 of the Federal Rules of Civil Procedure.

8. In accordance with the provisions of 28 U.S.C. §1446(a) and the local rules of the United States District Court for the Western District of Oklahoma, legible copies of all documents filed in the state court action are being filed contemporaneously with this Notice of Removal and submitted by way of the following exhibits:

**CJ-2020-591 (Canadian County District Court)**

Exhibit 1: Copy of the Canadian County District Court Docket

Exhibit 2: Petition

Exhibit 3: Amended Petition

Exhibit 4: Summons issued to Plaintiff's counsel

Exhibit 5: Summons filed by Plaintiff's counsel

Exhibit 6: Alias Summons issued

9. In accordance with the provisions of Title 28 U.S.C. §1446(d), Defendant is serving a copy of this Notice of Removal upon Plaintiffs and is filing a Notice of Removal with the Clerk of the District Court of Canadian County, State of Oklahoma, where this case was originally filed. Copies of this Notice are being served upon Plaintiffs and filed with the Canadian County Court Clerk contemporaneous with the Notice of Removal.

WHEREFORE, Defendant, Franklin Corporation, requests that the Court take jurisdiction in this action to the exclusion of any further proceedings in the District Court of Canadian County, State of Oklahoma.

Respectfully submitted,

/s/ Brock C. Bowers

Brock C. Bowers, OBA #15682

Katie R. McCune, OBA #31642

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**ATTORNEYS FOR DEFENDANT**

**CERTIFICATE OF SERVICE**

I hereby certify that on this 29<sup>th</sup> day of September 2021, I electronically transmitted the attached document to the Clerk of Court using the ECF System for filing. Based on the records currently on file, the Clerk of Court will transmit a Notice of Electronic Filing to the following ECF registrants:

Daniel M. Delluomo, OBA #11810  
Steven W. Crow, OBA #15676  
Delluomo & Crow, PA  
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Telephone: (405) 843-0440  
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**ATTORNEYS FOR PLAINTFFS**

/s/ Brock C. Bowers \_\_\_\_\_  
Brock C. Bowers